

## Practices

# Workplace Safety and Health

In an ever-shifting regulatory landscape with increasing workplace regulations and mandates, and new governmental priorities announced and implemented regularly, employers in all industries face a growing risk for Occupational Safety and Health Act (OSHA) and state-plan investigations. Record level enforcement budgets are forcing employers to contend more and more with claims of discrimination and retaliation under OSHA, or one of the twenty-one other federal acts with whistleblower provisions in which OSHA has investigatory and litigation authority. Further, employers may be automatically subject to federal or state-plan OSHA on-site inspections due to imminent danger, fatalities, explosions, catastrophes, complaints, referrals, follow-up inspections, and programmed inspections.

Akerman's Workplace Safety and Health Practice has comprehensive experience in counseling, representing, and defending employers of all sizes during federal and state-plan OSHA inspections, investigations, citations, settlement negotiations, administrative hearings, and appeals. In collaboration with lawyers in our White Collar Crime and Government Investigations Practice, we also provide expert guidance following catastrophic workplace incidents and fatalities to help companies manage the crisis and determine appropriate legal defenses with potential criminal penalties.

Employers regularly call upon us to proactively navigate their workplace safety and health obligations by conducting workplace audits,

---

## Connect With Us



**Eric A.  
Gordon**

Chair, Labor and  
Employment  
Practice Group  
+1 561 671 3651



**Marissa  
Alguire**

Deputy Chair,  
Labor and  
Employment  
Practice Group  
+1 213 533 5980

## Our Team

---

## Related Work

Employment Litigation  
Employment Training  
and Compliance  
Labor and Employment

providing client-tailored employee training, and developing and instituting safety policies and programs.

## What We Do

- Represent employers during and manage on-site OSHA inspections
- Respond to requests for information from OSHA
- Negotiate pre-citation, informal, and formal settlements of citations
- Contest citations and abatement penalties, defend employers in administrative hearings before the Occupational Safety and Health Review Commission (OSHRC) or its state-plan counterpart
- Handle petitions for abatement date modifications
- Litigate OSHRC (or state-plan counterpart) decision appeals in federal and state appellate courts
- Defend employers in administrative charges and federal court litigation concerning claims of discrimination and retaliation brought under Section 11(c) of the Occupational Safety and Health Act or a whistleblower provision under one of the twenty-one other acts for which OSHA has enforcement authority, such as Sarbanes Oxley and the Surface Transportation Assistance Act
- Assist employers in developing workplace safety policies, programs, and training
- Facilitate and conduct workplace safety-related investigations
- Coordinate the strategic use of safety consultants in preventative practices, internal audits, and responding to OSHA complaints, on-site investigations, and inquiries
- Conduct internal safety audits

- Evaluate workplace safety history and potential risks for M&A due diligence
- Provide counsel on reportability and recordability of workplace injuries and illnesses
- Navigate multi-employer worksite issues to mitigate risk while operating in a multi-employer environment